Summary of Q&A - Commuter Authority Rail Safety Improvement (CARSI) ROUND 2 Grants Webinar conducted 3/3/2022

Notice of Funding Opportunity (NOFO) Number 693JJ322NF00002

The following represents a **summary of questions and answers** discussed in the CARSI Round 2 Grants Webinar presented by the USDOT on 3/3/2022. Please direct any further questions to Sarah.Tarpgaard@dot.gov.

Notes:

- Participation in this webinar is not mandatory to submit an application under the NOFO.
- In the event of any discrepancy between the information presented in this document and the NOFO written document, the NOFO written document will prevail.

Questions from Chat Box during Webinar:

1. Is the funding under Title 23 where Buy America applies?
    a. Yes. The FHWA's Buy America requirement applies to any Title 23 funds. See 23 U.S.C. 313 and 23 CFR 635.410. The NOFO explains on page 6 that the FY 2021 Appropriations Act requires that the funds be administered as if they are apportioned under Chapter 1 of Title 23, and 23 U.S.C. 130(f)(3).
2. If the commuter authority wants the State DOT to administer the funds rather than pass through, is that allowed?
    a. Yes, that is certainly allowed. The State DOT as the prime grantee can administer the project and participate as a lead team member, or simply serve as a pass-through to award the project to a commuter authority. Either approach is acceptable.
3. What level of involvement constitutes a team member?
    a. Team member or partner has no legal definition in this case, nor any kind of monetary contribution requirement. Rather, we are using it as a general term to mean any entity or partner participating in the project administration or delivery, to include the prime grantee, subawardees, subcontractors, supporting 3rd parties that have some kind of role, etc.
4. Is grant funding for constructions only or can design be included?
    a. Engineering costs (design, ROW, environmental) are allowable and eligible. However, please note the NOFO, states “Priority will be given to applications that propose projects for construction as opposed to engineering and design.”
5. Is there a maximum period of performance and funds availability?
    a. The NOFO states “The grant period of performance will vary by award and must be proposed by the applicant depending upon the needs of the proposed project. Estimated duration of grant awards is 1 to 4 years.” It’s a program goal for the project to be completed within 4 years of award. The funding lapses

9/30/2029 which means FHWA cannot make payments using the funds after 9/30/2029. The project must be completed, invoiced and payments made by FHWA – all by 9/30/2029. After that date the funds are cancelled, are no longer available.

Questions previously received & included in webinar presentation and slides:

1. Is right-of-way and engineering eligible reimbursable expenses?
    a. Yes, preliminary engineering costs (design, ROW, environmental) are eligible. However, please note the NOFO, states "Priority will be given to applications that propose projects for construction as opposed to engineering and design."
2. Is NEPA clearance required? Or can preliminary engineering activities still take place as part of the schedule for the grant award?
    a. Yes, as applicable, NEPA clearance is required. Preliminary engineering activities can take place as part of the grant period. However, please note the NOFO, states "Priority will be given to applications that propose projects for construction as opposed to engineering and design."
3. Would these funds be eligible for grade crossing improvements associated with light rail? Or is it just commuter rail grade crossings?
    a. The railway highway crossing improvement should be the primary focus of the proposed project. Any ancillary safety improvement where a light rail may share the tracks or facilities with a commuter rail is acceptable to include.
4. If the applicant submitted for engineering and construction, not just construction, would that be eligible?
    a. Yes, planning and engineering activities can take place as part of the grant period. However, please note the NOFO, states "Priority will be given to applications that propose projects for construction as opposed to engineering and design."
5. Are we eligible if we have not had an accident between 2008 and 2018 that was investigated and had a report generated by the NTSB?
    a. No, this eligibility requirement comes directly from the FY 2020 and FY 2021 Appropriations Act that authorizes the funding and the grant program.
6. Must the involved public highway be a designated federal aid highway?
    a. No, however, the project must be for a public railway-highway crossing.
7. If an applicant applies for construction funds under this NOFO, then does NEPA need to be complete before receiving award?
    a. No, NEPA clearance is not required to be completed before grant award. Planning and NEPA clearance activities can take place as part of award. However, the

NOFO states “Priority will be given to applications that propose projects for construction as opposed to engineering and design.”

   b. If a grantee only applies for construction funds, preliminary engineering activities must be completed before grant award, including NEPA clearance if applicable. Previous CARSI awardees provided the status in their applications or gave an indication that the project is expected to qualify for a categorical exclusion.

8. Is there a date by which the project must be completed, thus a limit on period of performance?
   a. The NOFO states “The grant period of performance will vary by award and must be proposed by the applicant depending upon the needs of the proposed project. Estimated duration of grant awards is 1 to 4 years.” It’s a program goal for the project to be completed within 4 years of award.
   b. The funding lapses 9/30/2029 which means FHWA cannot make payments using the funds after 9/30/2029. The project must be completed, invoiced and payments made by FHWA – all by 9/30/2029. After that date the funds are cancelled, are no longer available.
9. Is it possible to propose a project wherein the State and local environmental and planning approvals process has not yet started?
   a. Yes, however, the project schedule should demonstrate how the project will be completed within 4 years, including accomplishment of the environmental and planning approvals.
10. Is the completion date when the construction needs to be obligated by or when construction needs to be completed by?
   a. The applicant must complete the project actions they are awarded funds for by the completion date, including construction and any preliminary engineering activities included in the grant project.
11. Can preaward costs be included in the Benefit-Cost Analysis even though preaward costs are not reimbursable?
   a. Yes, the Benefit-Cost Analysis is intended to evaluate the overall merits of the project, rather than the merits of Federal investment in the project. Therefore, previously incurred costs should be included in the analysis even if they are not eligible for reimbursement.
12. Can a Benefit-Cost Analysis be done after grant selection?
   a. No, the Benefit-Cost Analysis is a required portion of the application. It must be completed and submitted with the application by the deadline.
13. Will FHWA consider awarding less amounts than requested? As a corollary: if so, would it be advisable for an application to discuss scalability of the project?

a. FHWA is not planning to award less amounts than requested. If the need arises, FHWA may enter into discussions with an applicant that may include mutually agreeing upon a lesser amount award than originally proposed if necessary due to the quantity, size and scope of the applications received and the results of the application reviews.

14. Will there be a CARSI Round 3 NOFO in the future?
    a. Unknown.

{End of Q&A Summary Document}